

UNITED STATES DISTRICT COURT United States Courts Southern
for the District of Texas
Southern District of Texas
FILED

10/16/2021

United States of America
v.
James Joseph CRESCENTE

Nathan Ochsner, Clerk of Court
Case No. 2:21-mj-1285

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 15, 2021 in the county of Kenedy in the

Southern District of Texas, the defendant(s) violated:

Code Section

8 United States Code 1324

Offense Description

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

✓ Continued on the attached sheet.

✓ Submitted by reliable electronic means and sworn to

Printed name and title Signature attested
telephonically per Fed.R.Crim.P.41, and probable
cause found:

Date: October 16, 2021 at 1:33 p.m.



Complainant's signature

Ruben Rendon, Jr. HSI Special Agent

Printed name and title



Judge's signature

Judge's signature

City and state: Corpus Christi, Texas

Mitchel Neurock, U.S. Magistrate Judge

Printed name and title

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AFFIDAVIT

PROBABLE CAUSE:

On October 15, 2021, Border Patrol Agents responded to a vessel stop that was effectuated by U.S. Customs and Border Protection (CBP) Air & Marine Operations (AMO) in the Intracoastal Waterway in/at near Kenedy County, Texas. AMO Agents C. Garcia, A. Rolf and P. Walker encountered James Joseph CRESCENTE driving a vessel attempting to smuggle six undocumented non-citizens (UNC).

On same date, at approximately 09:40 a.m., CBP-AMO Agents were conducting maritime duties while operating a marked and equipped CBP Vessel 41289. AMO Agents encountered a 22 foot "Bay Stealth 2230" boat displaying registration numbers from Texas. AMO Agents signaled with vessel equipment and approached the boat to conduct a routine document check (19 U.S.C. 1581). While approaching the boat, AMO Agents initially observed five individuals and upon closer inspection, AMO Agents noticed at least two individuals laying down in the boat, as if they were trying to conceal themselves. During the document check, the boat operator was unable to provide any valid identification documents, or any documentation for the vessel. The driver of the vessel, later identified as James Joseph CRESCENTE, was determined to be a United States Citizen.

The passengers, six (6), were then interviewed, and it was determined that all were illegally present in the United States. Three of the subjects claimed to be nationals of Mexico, and three claimed to be nationals of Honduras. Additionally, AMO Agents observed there to be only four flotation devices on the vessel. During this field interview, CRESCENTE claimed to be guiding the passengers on a \$500 fishing trip. AMO Agents observed no one to be fishing at the time of the encounter; and observed there to be no fishing bait on the boat.

AMO Agents detained all occupants, and further requested the assistance of U.S. Border Patrol at the Kingsville, Texas station. The vessel and all occupants were taken to the nearest boat-ramp in Riviera, Texas. There the boat driver and passengers were turned over to Border Patrol for further investigation.

Border Patrol Agent (BPA) R. Valdez with the assistance of BPA-Intelligence (BPA-I) M. Kemper and A. Ochoa responded to the to the Kaufer-Hubert Memorial Park Boat Ramp to transport all seven (7) subjects to the Kingsville, Texas station for processing.

PRINCIPAL STATEMENT:

Homeland Security Investigations (HSI) Special Agent R. Rendon and BPA-I A. Ochoa read CRESCENTE his rights and he provided a post-Miranda statement. CRESCENTE stated that he traveled by bus to Harlingen, Texas from San Antonio, Texas on Monday (October 11, 2021) and met up with a friend of his he met while in prison in Beaumont, Texas. He went on to say that upon arrival and during his stay in Harlingen, TX with his friend, they talked about transporting "illegals" through the waterways from Port Mansfield, Texas to Baffin Bay (Riviera, Texas) and that his friend would pay CRESCENTE \$1,000.00 (USD) per person. CRESCENTE claims that he and his friend had traveled early in the week to an unknown residence south of Harlingen, Texas and met up with an unknown female. At this residence, CRESCENTE claims to have observed approximately twenty (20) people within the house.

CRESCENTE stated that on Wednesday (October 13, 2021), he and his friend's girlfriend went out to have dinner. At one point, his friend departed.

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When CRESCENTE finished dinner, his friend showed up with the people (UNCs) and exclaimed to him, non-verbatim, that this was CRESCENTE's "money." He claims that his friend went on to instruct CRESCENTE on a plan to move/transport the UNCs on Thursday (October 14, 2021). He claims that the plan for Thursday did not materialize due to poor weather conditions.

On Friday, October 15, 2021, CRESCENTE stated that he was awake in the early morning hours. He claims that they--his friend and the UNCs--travelled to Sebastian, Texas to an unknown residence. There, they backed-up the truck that his friend was operating and hooked up the boat. From there, they traveled to Port Mansfield, Texas and launched the boat at approximately 5:30 a.m. CRESCENTE claims that his friend showed him on a mapping app the route to be taken north towards Baffin Bay. He went on to say that somewhere along the way north is where he was signaled and stopped by law enforcement. CRESCENTE claims that he does not speak Spanish and communicated his instructions to the passengers of the boat through one of the UNCs that spoke English.

MATERIAL WITNESS:

Cesar Horacio TRUJILLO-Mena, a citizen and national of Mexico was read his rights and provided a statement. TRUJILLO-Mena stated that he crossed into the United States (U.S.) approximately five weeks ago. He crossed in a group of approximately fifteen (15) other migrants and was assisted by a guide. TRUJILLO-Mena claims to have crossed the Rio Grande River by walking in an area where the water was shallow.

After they crossed, they were taken to a house where they stayed for about five to six hours. (5-6 hrs.). At that point, he alone was taken to a different house. TRUJILLO-Mena described it as a trailer that had a dark blue, four door pickup truck parked outside. According to TRUJILLO-Mena, he was the only one taken from the first house to the trailer. TRUJILLO-Mena stated that a heavy-set Hispanic man with short hair lived at the trailer. After several days, all the other migrants, who were arrested along with him, began to arrive to the house.

TRUJILLO-Mena went on to say that on today's date (October 15, 2021) at approximately 4:00 a.m., he and all the migrants that were arrested with him, were taken from the house by truck. He also claimed that four people were sitting on the rear bench seat and that he was told to lay across their laps. He stated that a female was made to sit in the front seat of the vehicle.

After driving for approximately for an hour, to an hour and a half, they arrived at a boat dock where the driver of the vehicle told them to get into a boat. TRUJILLO-Mena stated that a Caucasian man was waiting for them at the boat and that once they were all inside, the Caucasian man who was piloting boat, pushed it away from the dock. Once they were away from it, the man who was piloting the boat told him to drop the anchor into the water. TRUJILLO-Mena stated that the boat pilot instructed a few of the other illegal aliens to lay down on the floor of the boat. The boat pilot then told the other visible subjects, that if a passing boat waved to them, to wave back. After waiting there for several minutes, they then departed the area and traveled until being apprehended. TRUJILLO-Mena stated that even though there were life vests on the boat, the driver did not tell them to put one on.

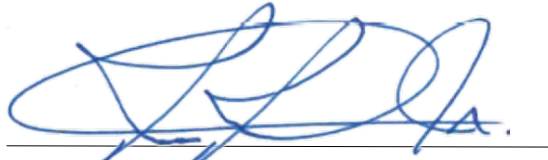
Cesar Horacio TRUJILLO-Mena stated that his brother made his smuggling arrangements and that he was going to pay \$8,500.00 (USD) to be smuggled to Dallas, Texas.

Homeland Security Investigations, Special Agent Ruben Rendon, Jr., presented the facts of this investigation thus far to AUSA Dennis Robinson and the case was accepted against **James Joseph CRESCENTE** for violations of Title 8 United States Code Section 1324. The decision was also made to

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retain material witness, **Cesar Horacio TRUJILLO-Mena** (Mexico). All remaining smuggled undocumented non-citizens were processed accordingly as per Customs and Border Protection protocols.

A handwritten signature in blue ink, appearing to read 'Ruben Rendon Jr.', written over a horizontal line.

Ruben Rendon Jr., Special Agent
Homeland Security Investigations
Printed name and title

*Signature attested telephonically per Fed.R.Crim.P.41, and
probable cause found:*

Submitted by reliable electronic means, sworn to,

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 16th Day of **October 2021**

A handwritten signature in black ink, appearing to read 'Mitchel Neurock', written over a horizontal line.

Mitchel Neurock, U.S. Magistrate Judge